

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

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|--|--|
| I. (a) PLAINTIFFS RYAN KENNEDY (b) County of Residence of First Listed Plaintiff <u>Bucks</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i> (c) Attorneys (Firm Name, Address, and Telephone Number) Adam S. Barrist, Esq., 215-432-8829 P.O. Box 1820, Media, PA 19063 | DEFENDANTS THE CHEF'S KINGDOM, INC. AND ANGEL SANCHEZ-PEREZ County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i> NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known) _____ |
|--|--|

| II. BASIS OF JURISDICTION (Place an "X" in One Box Only) | III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) | | | | | | | | | | | | | | | | |
|--|--|---|--|-----|-----|-----------------------|---------------------------------------|--|---|--------------------------|----------------------------|---|--|---|---|----------------|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) | <table style="width: 100%;"> <tr> <th style="text-align: left;">PTF</th> <th style="text-align: left;">DEF</th> <th style="text-align: left;">PTF</th> <th style="text-align: left;">DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input checked="" type="checkbox"/> 1</td> <td><input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input checked="" type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table> | PTF | DEF | PTF | DEF | Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 <input type="checkbox"/> 4 | Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5 | Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |
| PTF | DEF | PTF | DEF | | | | | | | | | | | | | | |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 <input type="checkbox"/> 4 | | | | | | | | | | | | | | |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5 | | | | | | | | | | | | | | |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 | | | | | | | | | | | | | | |

| IV. NATURE OF SUIT (Place an "X" in One Box Only) | | | | |
|--|--|--|--|--|
| CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | FORFEITURE/PENALTY <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | OTHER STATUTES <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education | PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | |

| | | | | | | | |
|---|---|--|---|--|--|---|--|
| V. ORIGIN (Place an "X" in One Box Only) | | | | | | | |
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File | |

| | |
|----------------------------|--|
| VI. CAUSE OF ACTION | Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>28 U.S.C. §1332</u> Brief description of cause: <u>Motor vehicle collision in Philadelphia, PA.</u> |
|----------------------------|--|

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|-------------------------------------|---|---|---|
| VII. REQUESTED IN COMPLAINT: | <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. | DEMAND \$ In excess of \$150,000.00 | CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|-------------------------------------|---|---|---|

| | |
|-------------------------------------|---|
| VIII. RELATED CASE(S) IF ANY | (See instructions): JUDGE _____ DOCKET NUMBER _____ |
|-------------------------------------|---|

| | |
|--------------------|--|
| DATE 09/07/2021 | SIGNATURE OF ATTORNEY OF RECORD /s/ ASB3587 |
|--------------------|--|

| | | | | |
|-----------------|--------------|--------------------|-------------|------------------|
| RECEIPT # _____ | AMOUNT _____ | APPLYING IFP _____ | JUDGE _____ | MAG. JUDGE _____ |
|-----------------|--------------|--------------------|-------------|------------------|

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

| | | |
|------------------------------|---|--------------|
| RYAN KENNEDY | : | CIVIL ACTION |
| Plaintiff | : | |
| v. | : | |
| THE CHEF'S KINGDOM, INC. AND | : | |
| ANGEL SANCHEZ-PEREZ | : | NO. |
| Defendants | : | |

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (x)

| | | |
|---------------------|----------------------------------|---------------------------------|
| <u>09/07/2021</u> | <u>/s/ Adam S. Barrist, Esq.</u> | <u>RYAN KENNEDY</u> |
| Date | Attorney-at-law | Attorney for |
| <u>215-432-8829</u> | <u>267-247-3098</u> | <u>abarrist@barristfirm.com</u> |
| Telephone | FAX Number | E-Mail Address |

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: _____

Address of Defendant: _____

Place of Accident, Incident or Transaction: _____

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|-----------------------------|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☐ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: _____

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
 - ☐ 2. FELA
 - ☐ 3. Jones Act-Personal Injury
 - ☐ 4. Antitrust
 - ☐ 5. Patent
 - ☐ 6. Labor-Management Relations
 - ☐ 7. Civil Rights
 - ☐ 8. Habeas Corpus
 - ☐ 9. Securities Act(s) Cases
 - ☐ 10. Social Security Review Cases
 - ☐ 11. All other Federal Question Cases
- (Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
 - ☐ 2. Airplane Personal Injury
 - ☐ 3. Assault, Defamation
 - ☐ 4. Marine Personal Injury
 - ☐ 5. Motor Vehicle Personal Injury
 - ☐ 6. Other Personal Injury (Please specify): _____
 - ☐ 7. Products Liability
 - ☐ 8. Products Liability – Asbestos
 - ☐ 9. All other Diversity Cases
- (Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

:
: CIVIL ACTION
:
: No. _____

1. Plaintiff is an adult individual, citizen, resident and domiciliary of the Commonwealth of Pennsylvania, with a home address of 3011 Old Rodgers Road, Bristol, PA 19007.
2. Defendant, The Chef's Kingdom, Inc. ("Chef's Kingdom"), is, upon information and belief, a corporation, partnership or other business entity in the State of New York, with a

principal place of business, place of incorporation and citizenship of 1 Alpine Court, Chestnut Ridge, NY 10977.

3. Defendant, Angel Sanchez-Perez (“Mr. Sanchez-Perez”), is, upon information and belief, an adult individual, citizen, resident and domiciliary of the State of New York, with a home address of 2 Carlton Road, Apt. 1, Monsey, NY 10952.

JURISDICTION AND VENUE

4. Jurisdiction is conferred pursuant to 28 U.S.C §1332 as Plaintiff is a citizen, resident and domiciliary of the Commonwealth of Pennsylvania, Chef’s Kingdom is a corporation, partnership or other business entity with a place of incorporation, principal place of business of and citizenship of the State of New York and Mr. Sanchez-Perez is a citizen, resident and domiciliary of the State of New York.
5. There is, therefore, complete diversity between all Plaintiffs and all Defendants.
6. The amount in controversy exceeds the sum of \$75,000.00, exclusive of interest, fees and costs.
7. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1) and (2), as the personal injuries that are the subject of this litigation occurred in Philadelphia, PA, within this District.

FACTS

8. On September 2, 2020, Mr. Kennedy was severely injured when Mr. Sanchez-Perez negligently struck his vehicle from behind while Mr. Kennedy was stopped in traffic on I-95 northbound at mile marker 25.0 in Philadelphia, PA.
9. At the time of the collision, Mr. Sanchez-Perez was in the course and scope of

employment with Chef's Kingdom.

10. Under Pennsylvania law, 75 Pa.C.S.A. §1705(d)(1)(ii), in light of Mr. Sanchez-Perez's vehicle being registered in the State of New York, Mr. Kennedy is bound by the full-tort option in this case.
11. Such violent collision caused Mr. Kennedy to **a)** sustain the permanent injuries described below, that have caused his body to not heal or function normally with further medical treatment; and **b)** suffer significant financial harm.

COUNT ONE – NEGLIGENCE
Plaintiff v. Defendant, Chef's Kingdom

12. Plaintiff incorporates, by reference, the foregoing paragraphs, as though set forth fully herein.
13. As the direct and proximate cause of Chef's Kingdom's negligence as stated above, Mr. Kennedy has suffered severe permanent physical injury, disfigurement and financial loss.
14. The injuries that Mr. Kennedy has sustained are permanent in nature. Mr. Kennedy has suffered great physical and mental pain and anguish, and in all reasonable probability, will continue to suffer in this manner for a long time in the future, if not for the balance of his natural life.
15. As a further result of the above negligent acts committed by Chef's Kingdom, Mr. Kennedy has incurred and will continue to incur substantial medical expenses for medical care and attention and will continue to incur additional medical expenses into the foreseeable future.
16. As a further result of the above negligent acts committed by Chef's Kingdom, Mr. Kennedy has incurred and will continue to incur substantial financial harm due to vehicular property damage.

17. In addition, Mr. Kennedy has suffered other economic injury and will likely continue to suffer such economic injury.
18. Chef's Kingdom, vicariously, through its agent/employee/authorized representative, Mr. Sanchez-Perez, operated its vehicle in such a careless and/or negligent manner as to have caused the aforesaid collision to occur.
19. Chef's Kingdom had a duty to Mr. Kennedy to not employ individuals who would operate its vehicle in such a careless and/or negligent manner.
20. Chef's Kingdom breached said duty, as set forth below.
21. As a direct and proximate result of the aforesaid acts, omissions, carelessness, and/or negligence on the part of Chef's Kingdom, Mr. Kennedy suffered severe personal injuries; has been and will be in the future, made to endure great pain and suffering, both physical and mental in nature, has been and will be in the future required to expend great sums of money for medical services; has been and will be in the future prevented from attending to his regular activities, duties and responsibilities; has been and will in the future be made to suffer lost earnings and other pecuniary loss.
22. The aforesaid accident was caused by the negligence and/or carelessness of Chef's Kingdom because it, itself, and/or, vicariously, through its agent/employee/authorized representative, Mr. Sanchez-Perez:
 - a. Failed to keep its vehicle under control at all relevant times;
 - b. Caused its vehicle to be driven at an excessive speed under the circumstances;
 - c. Violated the Assured Clear Distance Ahead Rule;
 - d. Disregarded traffic signals and signs;
 - e. Failed to keep a proper lookout;
 - f. Violently struck Plaintiff's vehicle from behind;

- g. Was driving in distracted fashion;
 - h. Negligently hired Mr. Sanchez-Perez;
 - i. Negligently trained Mr. Sanchez-Perez;
 - j. Negligently caused/forced Mr. Sanchez-Perez to drive its vehicle when he was in an unfit physical and/or mental condition to do so;
 - k. Caused its vehicle to be in an unsafe condition; and
 - l. Otherwise failed to exercise due care under the circumstances.
23. As the result of the above-referenced accident, Mr. Kennedy suffered painful and serious injuries, including, but not limited to:
- a. disc herniation at C5-6;
 - b. tears of the supraspinatus and infraspinatus tendons;
 - c. disc bulge at L3-4;
 - d. radiculopathy at C5 and L5;
 - e. other radiculopathy;
 - f. cervicalgia;
 - g. nerve damage throughout his body;
 - h. strains, sprains, disc bulges and disc herniations throughout his body, the extent of which is presently unknown;
 - i. torn ligaments and tendons throughout his body, the extent of which is presently unknown;
 - j. head injuries, the extent of which is presently unknown; and
 - k. emotional harm, the extent of which is presently unknown.
24. As a result of such accident, Mr. Kennedy has incurred medical expenses and will continue to incur said medical expenses for an indefinite time into the future.

25. As a result of such accident, Mr. Kennedy has incurred unreimbursed property loss/damages and will continue to incur said expenses for an indefinite time into the future.

26. As a result of such accident, Mr. Kennedy suffered grievous pain and suffering and may continue to suffer same for an indefinite time into the future.

27. As a result of such accident, Mr. Kennedy has suffered lost wages, and will suffer a loss of future earnings capacity.

28. As a further result of such accident, Mr. Kennedy has suffered and will continue to suffer a loss of life's pleasures.

WHEREFORE, Plaintiff, Ryan Kennedy, demands judgment against the Defendant, The Chef's Kingdom, Inc., in an amount in excess of \$150,000.00, plus costs, fees and whatever additional relief that this Honorable Court deems just and appropriate.

COUNT TWO – NEGLIGENCE

Mr. Kennedy v. Defendant, Angel Sanchez-Perez

29. Plaintiff incorporates, by reference, the foregoing paragraphs, as though set forth fully herein.

30. As the direct and proximate cause of Mr. Sanchez-Perez's negligence as stated above, Mr. Kennedy has suffered severe permanent physical injury and financial loss.

31. The injuries that Mr. Kennedy has sustained are permanent in nature. Mr. Kennedy has suffered great physical and mental pain and anguish, and in all reasonable probability, will continue to suffer in this manner for a long time in the future, if not for the balance of his natural life.

32. As a further result of the above negligent acts committed by Defendant, Mr. Kennedy has

incurred and will continue to incur substantial medical expenses for medical care and attention and will continue to incur additional medical expenses into the foreseeable future.

33. As a further result of the above negligent acts committed by Mr. Sanchez-Perez, Mr. Kennedy has incurred and will continue to incur substantial financial harm due to vehicular property damage.

34. In addition, Mr. Kennedy has suffered other economic injury and will likely continue to suffer such economic injury.

35. Mr. Sanchez-Perez operated his vehicle in such a careless and/or negligent manner as to have caused the aforesaid collision to occur.

36. Mr. Sanchez-Perez had a duty to Mr. Kennedy to not operate his vehicle in such a careless, and/or negligent manner.

37. Mr. Sanchez-Perez breached said duty, as set forth below.

38. As a direct and proximate result of the aforesaid acts, omissions, carelessness, and/or negligence on the part of Mr. Sanchez-Perez, Mr. Kennedy suffered severe personal injuries; has been and will be in the future, made to endure great pain and suffering, both physical and mental in nature, has been and will be in the future required to expend great sums of money for medical services; has been and will be in the future prevented from attending to his regular activities, duties and responsibilities; has been and will in the future be made to suffer lost earnings and other pecuniary loss.

39. The aforesaid accident was caused by the negligence and/or carelessness of Mr. Sanchez-Perez because he:

- a) Failed to keep his vehicle under control at all relevant times;
- b) Was driving at an excessive speed under the circumstances;

- c) Violated the Assured Clear Distance Ahead Rule;
- d) Disregarded traffic signals and signs;
- e) Failed to keep a proper lookout;
- f) Violently struck Plaintiff's vehicle from behind;
- g) Was driving in distracted fashion;
- h) Caused a violent collision to take place; and
- i) Otherwise failed to exercise due care under the circumstances.

40. As the result of the above-referenced accident, Mr. Kennedy suffered painful and serious injuries, including, but not limited to:

- a) disc herniation at C5-6;
- b) tears of the supraspinatus and infraspinatus tendons;
- c) disc bulge at L3-4;
- d) radiculopathy at C5 and L5;
- e) other radiculopathy;
- f) cervicalgia;
- g) nerve damage throughout his body;
- h) strains, sprains, disc bulges and disc herniations throughout his body, the extent of which is presently unknown;
- i) torn ligaments and tendons throughout his body, the extent of which is presently unknown;
- j) head injuries, the extent of which is presently unknown; and
- k) emotional harm, the extent of which is presently unknown.

41. As a result of such accident, Mr. Kennedy has incurred medical expenses and will continue to incur said medical expenses for an indefinite time into the future.

42. As a result of such accident, Mr. Kennedy has incurred unreimbursed property loss/damages and will continue to incur said expenses for an indefinite time into the future.

43. As a result of such accident, Mr. Kennedy suffered grievous pain and suffering and may continue to suffer same for an indefinite time into the future.

44. As a result of such accident, Mr. Kennedy has suffered lost wages, and will suffer a loss of future earnings capacity.

45. As a further result of such accident, Mr. Kennedy has suffered and will continue to suffer a loss of life's pleasures.

WHEREFORE, Plaintiff, Ryan Kennedy, demands judgment against the Defendant, Angel Sanchez-Perez, in an amount in excess of \$150,000.00, plus costs, fees and whatever additional relief that this Honorable Court deems just and appropriate.

THE BARRIST FIRM, LLC



By: /s/ ASB3587

Adam S. Barrist, Esq.
THE BARRIST FIRM, LLC
P.O. Box 1820
Media, PA 19063
Attorney for Plaintiff

Date: September 7, 2021

